

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 09-60439
USDC No. 3:08-CR-113-1

U.S. COURT OF APPEALS
FILED

SEP 11 2009

CHARLES R. FULBRIGHT
CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MILTON B. JOHNSON, also known as Milton R. Johnson, also known as Milton
Burgess, also known as Milton J. Johnson,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi

O R D E R:

Eileen M. Maher, court-appointed counsel for Milton B. Johnson, moves to withdraw as counsel for Johnson in this direct criminal appeal. Maher asserts that Johnson has filed a grievance against her with the State Bar of Mississippi, thereby creating a conflict of interest. In his response to Maher's motion, Johnson requests that the court grant the motion to withdraw and appoint new appellate counsel.

Appointed counsel may be relieved upon a showing of "a conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief of counsel." Fifth Cir. Plan Under the Crim. Justice Act, § 5(B).

Maher has shown a conflict of interest. Her motion to withdraw is therefore GRANTED. Johnson's motion to appoint counsel is GRANTED.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Michael E. Schneider", written over a horizontal line.

MICHAEL E. SCHNEIDER
DEPUTY CLERK

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

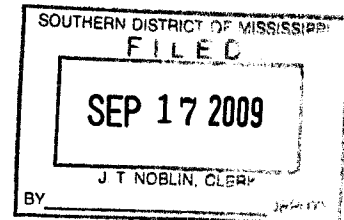
CHARLES R. FULBRUGE III
CLERK

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September 11, 2009

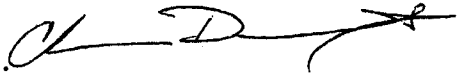
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 09-60439 USA v. Milton Johnson
USDC No. 3:08-CR-113-1



Enclosed is an order entered in this case.

CHARLES R. FULBRUGE III, Clerk

By: 
Chris P. Descant, Deputy Clerk
504-310-7704

Mr. David Harrison Fulcher
Mr. Milton B. Johnson
Ms. Eileen M Maher
Mr. J T Noblin
Ms. T Murry Whalen

Motion Notice - MOT2 (!npman)